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SUPREME COURT, U.S.

In the

SUPREME COURT OF THE UNITED STATES

October Term 1980

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No. 80-5361

Winifred M. Goudie, Appellant

vs.

Mary Hackman and Amanda Ellis, Appellees

ON APPEAL FROM THE VIRGINIA SUPREME COURT

OPPOSITION TO APPELLEES' MOTION TO DISMISS

Winifred M. Goudie
Appellant, pro se
3114 North 9th Road
Arlington, Virginia 22201

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Appellant, Goudie, moves this Honorable Court to deny the appellees' Motion to Dismiss, and in support of her opposition, states as follows:

1. The Motion to Dismiss of the appellees, Trustees Hackman and Ellis, contends that, "Appellant was not evicted . . . and so she was not injured", and therefore has "no constitutional argument."

Goudie respectfully submits that she was injured by Hackman and Ellis at the moment when they conveyed title to her property to the new buyers for cash, but refused to pay Goudie $27,000.00 which was due at settlement. She was thus deprived of $350.00 per month interest which was embezzled by the appellees.

2. Goudie was branded a trespasser and squatter in the public records of the Arlington Court when the trustees, Hackman and Ellis, brought actions for unlawful detainer 2 months before they paid Goudie for her property as prescribed by the "possession" clause of the Code of Virginia, § 55-59(6), now sought to be declared unconstitutional.

Goudie was irreparably injured by the refusal of the lower courts to enjoin the foreclosure sale of her property for 30 days to permit time for reasonable advertising to the public, rather than the small-print, low-circulation ads placed by the trustees in legal publications so as to conceal the notice of sale from the general public as sanctioned by the Code of Virginia, § 55-59 (6). Willing buyers were denied time to arrange financing of the "all cash" terms demanded by the trustees. Goudie was thus denied a fair market price and sustained a financial loss shown by the evidence to be not less than $25,000.00.

2. Appellees contend that the notice of sale given by them was "timely," when the very question for this Court is whether the "timely" notice provided for in the Code of Virginia, § 55-59 (6) is adequate to fulfill the Constitutional requirement of due process; and whether injunctive relief offers a sufficient opportunity to be heard. A three-judge District Court has ruled that it does not, for reasons set forth in the Jurisdictional Statement, citing Turner v. Blackburn, 389 F.Supp., 1250 at 1259 (1975). (This case was mistakenly omitted from the "Index" to appellant's Jurisdictional Statement, but was cited in the body of the Statement.)

The appellees' Motion to Dismiss misrepresents to this Court that, ". . .the Deed of Trust included in its terms 55-59 and 55-60 of the Code of Virginia," when, in fact, none of the terms provided in those sections were set forth in the trust instrument; only the numbers, which have no meaning, even to an experienced attorney; much less a laymen. (See Jurisdictional Statement, Appendix A, "Deed of Trust")

3. As to the denial of due process and equal protection to pro se litigants, the appellees' Motion to Dismiss loses credibility in the face of page 12 of the Jurisdictional Statement, and the record and transcripts offer substantial evidence of judicial bias against pro se litigants.

CONCLUSION

The appellant respectfully submits that appellees, Hackman and Ellis have failed to offer any argument which might justify the provisions of the Code of Virginia which permit the taking of property without payment, and without adequate notice or opportunity to be heard before eviction, sale and transfer of title - in that order - nor do they deny that the legislature of Virginia has "made a law" which denies these rudiments of due process so as to "abridge the privileges" of its citizens.

Therefore, we believe that the questions presented by this appeal are substantial and are of the utmost public importance where they affect the very essence of property rights; and we respectfully ask this Court to deny the appellees' Motion to Dismiss.

Respectfully submitted,

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